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10/541,628	07/07/2005	Tomo Kishigami	1190-0609PUS1	8286

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EXAMINER	
PATANKAR, ANEETA V	

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
11/28/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/541,628	KISHIGAMI ET AL.	
	Examiner	Art Unit	
	Aneeta Patankar	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 20 and 31** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,628,595 B1 to *Sasa et al.*

As to **claims 20 and 31**, *Sasa* discloses an optical recording device with an optical pickup having an optical system for recording and reproducing and a method, comprising the steps of: a reading means for reading recommended write strategy parameters including recommended pulse width value from an optical recording medium on which the recommended write strategy parameters have been recorded (Fig. 1, column 9, lines 39-46), where the recommended write strategy is read from optical disc (20) and the recommended pulse width is in the recording pulse pattern, or write strategy; a determining means for determining a write strategy including a pulse width value to be used in recording based on the recommended pulse width value and characteristics of the optical system of the optical pickup (Fig. 1, column 9, lines 39-46), where the write strategy is determined through experiments and the pulse width is in the write strategy; and a writing means for writing to the optical recording medium, using the write strategy thus determined (Fig. 1, column 9, lines 39-46), where the single write power is used in writing based on the determined write strategy.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1, 11, 13 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,595 B1 to *Sasa et al.* in view of U.S. Patent No. 6,418,102 to *Suga*.

As to **claims 1 and 13**, *Sasa* discloses an optical recording method and an optical recording device with an optical pickup having an optical system for recording and reproducing comprising the steps of: reading recommended write strategy parameters from an optical recording medium on which the recommended write strategy parameters has been recorded (Fig. 1, column 9, lines 39-43), where the write strategy is optimized from the information read on the disc; determining a write strategy to be used in recording, based on the recommended write strategy parameters that were read and characteristics of the optical system of the optical pickup of the optical recording device used in recording (Fig. 1, column 9, lines 39-43), where the write strategy is determined through the experiments; and writing to the optical recording medium by use of the optical recording device, using the write strategy thus determined (Fig. 1, column 9, lines 43-46), where the single write power is determined based on the experiments and is used in writing the write strategy.

Sasa is deficient in disclosing an optical recording method and an optical recording device with an optical pickup having an optical system for recording and reproducing comprising the steps of: reading recommended asymmetry value from an optical recording medium on which the recommended asymmetry value have been recorded; determining an asymmetry value to be used in recording, based on the recommended asymmetry value that were read and characteristics of the optical system of the optical pickup of the optical recording device used in recording; and writing to the optical recording medium by use of the optical recording device, using the asymmetry value thus determined.

However, *Suga* discloses an optical recording method and an optical recording device with an optical pickup having an optical system for recording and reproducing comprising the steps of: reading recommended asymmetry value from an optical recording medium on which the recommended asymmetry value have been recorded; determining an asymmetry value to be used in recording, based on the recommended asymmetry value that were read and characteristics of the optical system of the optical pickup of the optical recording device used in recording; and writing to the optical recording medium by use of the optical recording device, using the asymmetry value thus determined.

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to have modified the optical recording method including the steps of reading a write strategy as taught by *Sasa* and reading an asymmetry value as taught by *Suga*. The suggestion/motivation would have been in order to determine the

optimum recording laser power based on the recommended, or selected, asymmetry value (Suga, column 3, lines 60-63).

As to **claims 11 and 29**, *Sasa* is deficient in disclosing the optical recording method, wherein: the step of reading reads a recommended asymmetry value; the determining step calculates an asymmetry value for use in the recording based on the recommended asymmetry value and the numerical aperture of the objective lens of the optical recording device used in the recording; and the step of writing performs writing by use of the calculated asymmetry value.

However, *Suga* discloses the optical recording method, wherein: the step of reading reads a recommended asymmetry value (Fig. 1, column 5, lines 54-59), where the detected asymmetry value is the recommended asymmetry value; the determining step calculates an asymmetry value for use in the recording based on the recommended asymmetry value and the numerical aperture of the objective lens of the optical recording device used in the recording (Fig. 2, column 7, lines 7-10), where in step S009 the asymmetry is calculated; and the step of writing performs writing by use of the calculated asymmetry value (Fig. 2, column 7, lines 20-24), where the optimum recording laser power is used in the writing on the disc. In addition, the same motivation is used as in claim 1.

5. **Claims 2, 10, 14, 21, 28, 32 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,595 B1 to *Sasa et al.* in view of U.S. Patent No. 6,418,102 to *Suga* as applied to claim 1 above, and further in view of U.S. Patent No. 6,771,579 to *Suzuki*.

As to **claims 2 and 21**, *Sasa* discloses the optical recording method, wherein: the write strategy is a multiple-pulse type of write strategy (Fig. 10, column 3, lines 8-29).

Sasa and *Suga* are deficient in disclosing the step of determining determines a leading pulse width of the write strategy for recording each mark, based on a ratio of a recommended leading pulse width parameter of the write strategy for recording each mark included in the recommended write strategy parameters with respect to the square of the recommended leading pulse width parameter of the write strategy for recording the shortest mark included in the recommended write strategy parameters.

However, *Suzuki* discloses the step of determining determines a leading pulse width of the write strategy for recording each mark, based on a ratio of a recommended leading pulse width parameter of the write strategy for recording each mark included in the recommended write strategy parameters with respect to the square of the recommended leading pulse width parameter of the write strategy for recording the shortest mark included in the recommended write strategy parameters (Column 4, lines 47-59).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to create an optical recording method wherein a write strategy is a multiple-pulse type write strategy as taught by *Sasa* and *Suga* by including a recommended leading pulse width parameter of the write strategy for recording the shortest mark included in the recommended write strategy parameters as taught by *Suzuki*. The suggestion/motivation would have be that it is effective when random mark

length modulation recording of EFM+ modulation is carried out wherein the shortest mark length is defined (Suzuki, column 4, lines 47-59).

As to **claims 10 and 28**, *Sasa* and *Suga* are deficient in disclosing the optical recording method, wherein: the step of reading reads a recommended wavelength value from the optical recording medium; and the step of determining performs a determination based on the recommended wavelength value and the wavelength of a laser beam of the optical recording device used in recording.

However, *Suzuki* discloses the optical recording method, wherein: the step of reading reads a recommended wavelength value from the optical recording medium (Column 4, lines 47-59); and the step of determining performs a determination based on the recommended wavelength value and the wavelength of a laser beam of the optical recording device used in recording (Column 5, lines 19-32). In addition, the same motivation is used as the rejection for claim 2.

As to **claims 14 and 32**, *Sasa* discloses the optical recording device, wherein: the write strategy is a multi-pulse type of strategy (Fig. 10, column 3, lines 8-29);

Sasa and *Suga* are deficient in disclosing the optical recording device, wherein: the determining means calculates a leading pulse width of the write strategy for recording each mark, based on a ratio of a recommended leading pulse width parameter of the write strategy for recording each mark included in the recommended write strategy parameters with respect to the square of the recommended leading pulse width parameter of the write strategy for recording the shortest mark included in the recommended write strategy parameters.

However, *Suzuki* discloses the optical recording device, wherein: the determining means calculates a leading pulse width of the write strategy for recording each mark, based on a ratio of a recommended leading pulse width parameter of the write strategy for recording each mark included in the recommended write strategy parameters with respect to the square of the recommended leading pulse width parameter of the write strategy for recording the shortest mark included in the recommended write strategy parameters (Column 4, lines 47-59). In addition, the same motivation is used as the rejection for claim 2.

6. **Claims 3-9, 15-19, 22-27, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,595 B1 to *Sasa et al.* in view of U.S. Patent No. 6,418,102 to *Suga* in further view of U.S. Patent No. 6,771,579 to *Suzuki* as applied to claim 2 above, and further in view of U.S. Patent Pub. No. 2003/0151994 to *Tasaka et al.*

As to **claims 3 and 22**, *Sasa, Suga,* and *Suzuki* are deficient to disclosing the optical recording method, wherein said step of determining is carried out by a computation using a formula predetermined for the optical recording device used in recording.

However, *Tasaka* discloses the optical recording method, wherein said step of determining is carried out by a computation using a formula predetermined for the optical recording device used in recording (Fig. 8, paragraph 0367).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to determine a write strategy to be used in recording as taught by *Sasa*,

Suga and *Suzuki* by including a computation using a formula predetermined for the optical recording device as taught by *Tasaka*. The suggestion/motivation would be in order to make corrections to the write strategy (Tasaka, paragraphs 0176-0183).

As to **claims 4 and 23**, *Sasa* discloses the optical recording method, wherein in regard to the write strategy for recording each mark of the write strategy, the leading pulse width that minimizes reproducing jitter is determined experimentally, a formula is generated such that the experimentally determined leading pulse width is the result of a calculation or a value approximating the result of the calculation, and the generated formula is used in said step of determining (Fig. 11, columns 9-10, lines 39-18).

As to **claims 5 and 24**, *Sasa, Suga,* and *Suzuki* are deficient to disclosing the optical recording method, wherein the formula is expressed as iTP = Ki-(iTP/ITP^2) + Ci, where iTP is the pulse width of the leading pulse in the write strategy to be used in recording an i-th shortest mark, iTP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark, ITP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the shortest mark, and Ki and Ci are constants for determining the write strategy to be used to record the i-th shortest mark.

However, *Tasaka* discloses the optical recording method, wherein the formula is expressed as iTF = Ki-(iTP/ITP^2) + Ci, where iTF is the pulse width of the leading pulse in the write strategy to be used in recording an i-th shortest mark (Fig. 7, paragraphs 357-358), iTP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark (Fig. 7, paragraphs 357-

358), ITP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the shortest mark (Fig. 7, paragraphs 357-358), and Ki and Ci are constants for determining the write strategy to be used to record the i-th shortest mark (Fig. 7, paragraph 359). In addition, the same motivation is used as the rejection for claim 3.

As to **claims 6 and 25**, *Sasa* discloses the optical recording method wherein: λ2 is the wavelength of a laser beam of the optical recording device used in recording (Fig. 11, column 9, lines 39-58), λ1 is a recommended wavelength (Fig. 11, column 9, lines 39-58).

Sasa, *Suga* and *Suzuki* are deficient to disclosing the optical recording method, wherein: the reading step reads the recommended wavelength from the optical recording medium; and the formula is expressed as iTP = Ki-(iTP/ITP^2) + Ci + Di x Iλ2 - λ1I, where iTP is the pulse width of the leading pulse in the write strategy to be used in recording an i-th shortest mark, iTP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark, 1TP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark, , and Ki, Ci, and Di are constants for determining the write strategy to use to record the i-th shortest mark.

However, *Tasaka* discloses the optical recording method, wherein: the reading step reads the recommended wavelength from the optical recording medium; and the formula is expressed as iTP = Ki-(iTP/ITP^2) + Ci + Di x Iλ2 - λ1I, where iTP is the pulse width of the leading pulse in the write strategy to be used in recording an i-th shortest

mark (Fig. 7, paragraphs 357-358), iTP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark (Fig. 7, paragraphs 357-358), 1TP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark, , and Ki, Ci, and Di are constants for determining the write strategy to use to record the i-th shortest mark (Fig. 8, paragraph 367). In addition, the same motivation is used as the rejection for claim 3.

As to **claims 7 and 26**, *Sasa* discloses the optical recording method, wherein: λ2 is the wavelength of a laser beam of the optical recording device used in recording (Fig. 11, column 9, lines 39-58), λ1 is a recommended wavelength (Fig. 11, column 9, lines 39-58).

Sasa and *Suga* are deficient in disclosing the step of reading reads the recommended wavelength from the optical recording medium; and the formula is expressed as iTP = Ki-(iTP/ITP^2) + Ci, when the value of |λ2 - λ1| is equal to or less than a predetermined value, and iTP = Ki.(iTP/ITP^2) + Ci + Di x |λ2 - λ1|, when the value of |λ2 - λ1| is greater than the predetermined value, where iTP is the pulse width of the leading pulse in the write strategy to be used in recording an i-th shortest mark, iTP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark, 1TP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark, Ki, Ci, and Di are constants for determining the write strategy to be used to record the i-th shortest mark.

However, *Suzuki* discloses the formula is expressed as iTP = Ki-(iTP/ITP^2) + Ci, when the value of $|\lambda 2 - \lambda 1|$ is equal to or less than a predetermined value (Fig. 3 and 4, column 5, lines 15-32), and iTP = Ki.(iTP/ITP^2) + Ci + Di x $|\lambda 2 - \lambda 1|$, when the value of $|\lambda 2 - \lambda 1|$ is greater than the predetermined value (Fig. 3 and 4, column 5, lines 15-39).

However, *Tasaka* discloses iTP is the pulse width of the leading pulse in the write strategy to be used in recording an i-th shortest mark, iTP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark (Fig. 7, paragraphs 357-358), 1TP is the pulse width of the leading pulse in the recommended write strategy parameters for recording the i-th shortest mark (Fig. 7, paragraphs 357-358), Ki, Ci, and Di are constants for determining the write strategy to be used to record the i-th shortest mark (Fig. 8, paragraph 367). In addition, the same motivation is used as the rejection in claim 3.

As to **claims 8 and 17**, *Sasa*, *Suga*, and *Suzuki* are deficient to disclosing the optical recording method, wherein Di is the same for every i.

However, *Tasaka* discloses the optical recording method, wherein Di is the same for every i (Fig. 8, paragraph 367). In addition, the same motivation is used as the rejection for claim 3.

As to **claims 9 and 27**, *Sasa*, *Suga*, and *Suzuki* are deficient to disclosing the optical recording method, wherein the leading pulse width of the write strategy used in recording a fourth shortest mark is also used in all the write strategies from the write strategy used in recording a fifth shortest mark to the write strategy used in recording a longest mark.

However, *Tasaka* discloses the optical recording method, wherein the leading pulse width of the write strategy used in recording a fourth shortest mark is also used in all the write strategies from the write strategy used in recording a fifth shortest mark to the write strategy used in recording a longest mark (Fig. 7, paragraph 361). In addition, the same motivation is used as the rejection for claim 3.

As to **claims 15 and 33**, *Sasa*, *Suga*, and *Suzuki* are deficient in disclosing the optical recording device, wherein the determining means carries out a computation using a formula predetermined for the optical recording device used in recording.

However, *Tasaka* discloses the optical recording device, wherein the determining means carries out a computation using a formula predetermined for the optical recording device used in recording (Fig. 8, paragraph 367). In addition, the same motivation is used as the rejection for claim 3.

As to **claims 18 and 19**, *Sasa*, *Suga*, and *Suzuki* are deficient in disclosing the optical recording method, wherein the leading pulse width of the write strategy used in recording a fourth shortest mark is also used in all the write strategies from the write strategy used in recording a fifth shortest mark to the write strategy used in recording a longest mark.

However, *Tasaka* discloses the optical recording method, wherein the leading pulse width of the write strategy used in recording a fourth shortest mark is also used in all the write strategies from the write strategy used in recording a fifth shortest mark to the write strategy used in recording a longest mark (Fig. 7, paragraph 361). In addition, the same motivation is used as the rejection for claim 3.

As to **claim 16,** *Sasa* discloses the optical recording device wherein, in regard to the write strategy for recording each mark of the write strategy, the leading pulse width that minimizes reproducing jitter is determined experimentally, a formula is generated such that the experimentally determined leading pulse width is the result of a calculation or a value approximating the result of the calculation, and the determining means uses the formula to carry out the calculation (Column 9-10, lines 39-18).

7. **Claims 12 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,628,595 B1 to *Sasa et al.* in view of U.S. Patent No. 6,418,102 to *Suga* as applied to claim 1 above, and further in view of U.S. Patent No. 7,158,460 B2 to *Ogawa*.

As to **claims 12 and 30**, *Sasa* and *Suga* are deficient in disclosing the optical recording method, wherein: if the recommended asymmetry value recorded on the optical recording medium is $\beta 1$, the numerical aperture of the objective lens used for determining the recommended value is NA1, and the numerical aperture of the objective lens of the optical recording device used in recording is NA2, then the asymmetry value $\beta 2$ used in recording is calculated by the formula $\beta 2 = \beta 1 + E \times (NA2 - NA1)$.

However, *Ogawa* discloses the optical recording method, wherein: if the recommended asymmetry value recorded on the optical recording medium is $\beta 1$ (Fig. 3A, column 13, lines 25-38), the numerical aperture of the objective lens used for determining the recommended value is NA1 (Fig. 32, column 31, lines 24-55), and the numerical aperture of the objective lens of the optical recording device used in recording

is NA2, then the asymmetry value β2 used in recording is calculated by the formula β2 = β1 + E x (NA2 - NA1) (Fig. 7, column 15, lines 29-64).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to create an optical recording method where the recommended write strategy is read as taught by *Sasa* and *Suga* by including that the recommended asymmetry value is recorded on the optical medium as taught by *Ogawa*. The suggestion/motivation would have been in order to control jitter (Ogawa, fig. 3A, column 13, lines 49-56).

Response to Arguments

1. Applicant's arguments, see pages 14-15, lines 24-2, filed 7/31/08, with respect to the rejection(s) of claim(s) 1 and 13, as amended, under U.S. Patent No. 6,628,595 B1 to *Sasa et al.* have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over U.S. Patent No. 6,628,595 B1 to *Sasa et al.* in view of U.S. Patent No. 6,418,102 to *Suga*.

Applicant argues that *Sasa* fails to teach the "optical recording device and method wherein the recording method comprises the steps of reading recommended write strategy parameters and recommended asymmetry value" in claims 1 and 13, and in claim 13, "a reading means for reading recommended write strategy parameters and recommended asymmetry value".

Examiner agrees that *Sasa* fails to teach all of these limitations, however, *Sasa* in view of *Suga* does disclose these limitations. *Sasa* discloses "optical recording

device and method wherein the recording method comprises the steps of reading recommended write strategy parameters" and "a reading means for reading recommended write strategy parameters" (Fig. 1, column 9, lines 39-43), where the write strategy is read from the disc. *Suga* discloses the "optical recording device and method wherein the recording method comprises the steps of reading the recommended asymmetry value" and "a reading means for reading recommended asymmetry value" (Fig. 1, column 5, lines 54-59), where the detected asymmetry value is the recommended asymmetry value.

2. Applicant's arguments with respect to claims 2-12 and 14-16 have been considered but are moot in view of the new ground(s) of rejection. All of the above claims are dependent under independent claims 1 and 13, which has been rejected under a new grounds of rejection.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aneeta Patankar whose telephone number is (571) 272-9773. The examiner can normally be reached on Monday-Thursday 8-5, Second Friday, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/Andrea L Wellington/
Supervisory Patent Examiner, Art Unit 2627

/A.P./
11/17/08